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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,189	03/17/2004	Youichi Okubo	09253-008001	3432
26161	7590	12/27/2005	EXAMINER	
FISH & RICHARDSON PC			SWARTHOUT, BRENT	
P.O. BOX 1022			ART UNIT	
MINNEAPOLIS, MN 55440-1022			PAPER NUMBER	
			2636	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,189

Applicant(s)

OKUBO, YOUICHI

Examiner

Brent A. Swarthout

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-17-04, 7-12-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2636

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

a. Claims 1-6 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Saheki et al.

Saheki teaches a tire pressure transmitting device comprising detecting running state of the vehicle (col.3, lines 65-67; col. 4, lines 28-33; col. 6, lines 13-21), transmitting tire condition data (col. 6, line 17), antenna 36 and controller 31 for outputting power to a transmitter when moving at a particular speed, and providing no power to transmitter when the vehicle is not moving.

Regarding claim 2, speed detector senses acceleration (col. 3, line 18).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

b. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson, III.

Robinson discloses a tire condition transmitter device comprising a detector device 160 for detecting that a magnet 20 is passing nearby, transmitter 100 for generating a tire condition signal, and controller 130 for allowing power to be sent to a transmitter based on the detection by device 160 (col. 7, lines 16-20).

Since magnet 20 is only passed by a vehicle when the tire transmitters are mounted on the wheels, it would have been obvious to have detector 160 be indicative of an attached to wheel condition, otherwise there would have been no benefit to moving the magnet with respect to the wheels.

Regarding claims 8-9, moving from asleep to wake-up modes would have been indicative of switching to different power states .

3. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saheki et al. in view of Edmonson et al.

Saheki discloses a tire pressure transmission system as set forth above, except for specifically stating that power will be increased to transmitter if it becomes detuned.

Edmonson teaches desirability of increasing power to a transmitter if it becomes detuned due to the presence of metallic objects, in order to make up for signal losses (col. 1, lines 35-45; col. 3, lines 8-11).

It would have been obvious to one of ordinary skill in the art to utilize power increase to transmitter when transmitter antenna became detuned as

suggested by Edmonson in conjunction with a tire pressure transmitter system as disclosed by Saheki, in order to permit a transmitter to have more power to overcome signal losses associated with metal around a tire location.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker and DeZorzi disclose tire data transmission systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**BRENT A. SWARTHOUT
PRIMARY EXAMINER**